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**IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
FIFTH APPELLATE DISTRICT**

THE PEOPLE,

Plaintiff and Respondent,

v.

PATRICK EDWARD GUY,

Defendant and Appellant.

F077285

(Super. Ct. No. F10902346)

OPINION

THE COURT*

APPEAL from a judgment of the Superior Court of Fresno County. James Petrucelli, Judge.

Martin Baker, under appointment by the Court of Appeal, for Defendant and Appellant.

Office of the State Attorney General, Sacramento, California, for Plaintiff and Respondent.

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* Before Levy, Acting P.J., Detjen, J. and Meehan, J.

Appointed counsel for defendant Patrick Edward Guy asked this court to review the record to determine whether there are any arguable issues on appeal. (*People v. Wende* (1979) 25 Cal.3d 436.) Defendant was advised of his right to file a supplemental brief within 30 days of the date of filing of the opening brief. He responded, raising the issues of ineffective assistance of counsel, a *Brady*¹ violation, and obstruction of justice.² Finding no arguable error that would result in a disposition more favorable to defendant, we affirm.

PROCEDURAL SUMMARY

In 2013, defendant was charged with aggravated sexual assault of a child (Pen. Code, § 269, subd. (a)(4);³ count 1), four counts of lewd acts upon a child against the same victim (§ 288, subd. (a); counts 2–5). As to counts 2 through 4, it was alleged that defendant had substantial sexual conduct with the victim (§ 1203.066, subd. (a)(8)).

After multiple substitutions of appointed counsel and considerable delay, jury trial began on January 30, 2018. The information was amended to include a sixth count, continuous sexual abuse against the same victim (§ 288.5, subd. (a); count 6).

The same day, defendant pled no contest to counts 4, 5, and 6, in exchange for 20 years in prison and agreed-upon credits.

On March 27, 2018, in accordance with the negotiated plea agreement, the trial court sentenced defendant to 16 years in prison on count 6, two consecutive years on count 4, and two consecutive years on count 5. The court awarded credits, imposed various fines and fees, and ordered defendant to register as a sex offender (§ 290).

On April 6, 2018, defendant filed a notice of appeal. He did not request a certificate of probable cause.

¹ *Brady v. Maryland* (1963) 373 U.S. 83 (*Brady*).

² Defendant also listed two unmeritorious issues without any supporting argument.

³ All statutory references are to the Penal Code.

FACTS

The victim was born in 1993. She was defendant's stepdaughter and had lived with him since she was four years old. When interviewed in 2010, she described three incidents that occurred in the family home during 2004, when she was 11 years old. First, defendant forced her to perform oral sex on him while he watched pornography. Second, he completely undressed her, fondled her breasts, and licked her vagina. Third, he again fondled her breasts and licked her vagina, but also attempted to sodomize her three times and penetrated her slightly. Then, in 2005, a fourth incident occurred at a new residence. Defendant fondled the naked victim's buttocks and breasts while he masturbated and watched pornography. The victim did not disclose these events until later because defendant told her that her mother was already aware of them and was okay with what was occurring.

DISCUSSION

We do not reach defendant's contentions because they attack events occurring before his plea agreement. In effect, they challenge the propriety of his no contest plea. As such, defendant was required to obtain a certificate of probable cause from the trial court in order to raise these issues on appeal. (§ 1237.5; Cal. Rules of Court, rule 31(d); see *People v. Panizzon* (1996) 13 Cal.4th 68, 75; *People v. Ribero* (1971) 4 Cal.3d 55, 63.) This he failed to do.

Having undertaken an examination of the entire record, we find no evidence of ineffective assistance of counsel or any other arguable error that would result in a disposition more favorable to defendant.

DISPOSITION

The judgment is affirmed.